

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, July 19, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll call; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Senator Dohoney rose to a question of privilege, and asked leave to withdraw the petition of George W. Wright for private land claim, reported upon adversely by committee.

Leave to withdraw granted.

Message from the House informing the Senate the Speaker had signed, in open session, enrolled bill "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," whereupon it was signed by the President and returned to the House.

Also, House bill No. 183, "An Act legalizing a special tax levied by military order."

Also, House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas."

Under direction of the President the Secretary carried to the House for signature of the Speaker, enrolled bill, "An Act granting certain real estate to the city of Austin."

Also, enrolled bill, "An Act to organize the county of Presidio."

Message from the Governor by his private Secretary:

EXECUTIVE DEPARTMENT,
Austin, Texas, July 19, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: Robert H. Taylor for Judge of the District Court for the Fourteenth Judicial District.

Respectfully,

EDMUND J. DAVIS,
Governor.

Referred to Committee on Nominations.

Also, the following message from the Governor:

EXECUTIVE OFFICE,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: I am compelled to return to your House, where it origi-

nated, the act entitled "An Act to expedite the construction of the Southern Pacific Railroad," which I consider objectionable in the following respects:

1. This act assumes throughout its preamble and body that the Southern Pacific Road is a living and subsisting charter in the hands of the "present direction," and that it has forfeited no right or privilege whatever. This assumption or declaration attempts indirectly to commit the Legislature to a revival of the land grant. In this regard I ask to refer your House to the grounds taken in my message of the thirteenth instant, returning the Eastern Texas Railroad Company "act.

2. It assumes, throughout the preamble and body, that the "present direction" inspire confidence in their financial integrity and purpose, and that the railroad owes no debt (except that due the special school fund) which constitutes a lien upon its road. No evidence whatever has been shown to sustain either of these conclusions. This road and its franchises have, I understand, been sold out several times. It is impossible without a protracted judicial investigation to find out what claims are outstanding against it, or whether the "present direction," to whom it is proposed to issue this large amount of bonds, have any rights whatever, or are able to give the State such lien upon the road as will secure the amount of these bonds. In this connection I call your attention to the provision in section second, making the bonds payable to the company or bearer. The bonds may, under this provision, pass out of the hands of the company at once, and leave the State without remedy.

3. It requires the issue, by the State, of bonds to the extent of sixteen thousand dollars (\$16,000) per mile of the *completed* as well as the *uncompleted* part of the road, and those bonds which are to be issued for the *completed* portion are to be delivered as soon as the amount due the school fund, two hundred and twenty thousand dollars (\$220,000), is paid in. I understand that about forty-six (46) miles are completed, requiring seven hundred and thirty-six thousand dollars (\$736,000) of bonds. Thus, while on the one hand we receive the two hundred and twenty thousand dollars (\$220,000), belonging to the school fund, on the other we pay out more than three times that amount in bonds payable, interest and principal, in gold. This, with all respect, seems to me a very bad financial arrangement, especially when it is considered that we have no security that the road is free from debts that would take precedence of the lien of the State. Aside from this danger, it seems too, bad policy for the State to expend its limited resources in subsidizing roads *already built*.

4. The second section is objectionable in making the bonds, prin-

principal and interest, payable in gold, and making the interest payable in New York city on the first of January and July of each year. Under this arrangement, if carried out, we are *at once* to make preparation to pay in New York gold interest on seven hundred and thirty-six thousand dollars, and on such additional bonds as may, from time to time, be issued as the road progresses. I respectfully call your attention to the fact that our taxes are collected in United States paper currency, and that we must, if this bill becomes a law, and the company fails to make payment to the State (which, judging from our past experience with railroads, is an absolute certainty), get the gold to pay interest by purchasing it.

5. The fifth section is *especially* objectionable. It appears that under this the company is not bound for any of the principal until after the whole amount of the bonds, contemplated by the act, has been issued. The peculiar wording of this section opens the door to a fraud upon the State. If the *whole amount* of the bonds is *never* issued, then the company *never* becomes responsible. The State is, however, required to issue her bonds as each section of ten miles is completed. I suggest that no prudent capitalist would make a loan to the road under this sort of contract. Many contingencies may prevent the issuance of the "whole amount" of the bonds called for, and this, perhaps, without either party being fully responsible.

6. There is the further constitutional objection, that no provision is made in the act for payment of the interest and two per cent., as a sinking fund of the debt contracted hereby. Section twenty-three of article twelve, general provisions of the constitution, contains the wise provision that in all cases where State or county debt is contracted, "it shall be the duty of the Legislature to provide adequate means for the payment of the current interest and two per cent., as a sinking fund for the redemption of the principal." This wise provision seems to have been intended as a restraint upon hasty legislation. Apparently it was thought that if legislators, in the very case (act), where debt was contracted, were also compelled to provide a tax upon their constituents to pay such debt, then they would be more cautious in creating it. In this case a debt is proposed of some five millions, for which (principal and interest) in any event the State is *primarily* responsible, but no provision whatever is made for its payment. I suppose this defect has been overlooked, and that your honorable body will not permit any evasion of this wholesome section. It will not do to remit so important a matter to the chances of a supplemental bill, or other action to be had hereafter in the present or a future

Legislature. The taking of such chances could not have been contemplated by the makers of the constitution.

7. Finally, I will call your attention to the limitation put in this bill of twenty millions of dollars (\$20,000,000,) as the whole debt that can be incurred by the State. This is intended as a contract with the company, and if entered into, can only be evaded on our part by a violation of faith, however imperative the necessity may be. It limits the amount of debt for internal improvements, or for any other purpose, to this sum. Now, if the limitation were applied only to internal improvements, the sum would be too large; and would invite a scramble to grasp the balance; but, as it is intended to limit the debt for any purpose, the impropriety of the arrangement is more obvious. It may very reasonably be expected to happen that, long before the proposed debt is totally paid off, the necessities of the State and the support of its Government may require a larger debt than twenty millions of dollars, especially if this amount should be absorbed in internal improvements, as is more than likely, when the temptation is held out to speculators. In conclusion, I therefore ask a reconsideration of your vote on the adoption of this act.

Respectfully,

EDMUND J. DAVIS,

Governor.

Message from the House informing the Senate the Speaker had signed in open session enrolled Bill, "An Act granting certain real estate to the city of Austin."

Also, enrolled Bill "An act to organize the county of Presidio."

Whereupon they were signed by the President.

Under direction of the President, the Secretary carried to the House, with action of the Senate, H. B. 254, "An Act to Incorporate the Southern Trans-Continental Railway Company."

On motion of Senator Parsons, the message of the Governor in relation to the Southern Pacific Railroad, was made the special order for Thursday at 11 A. M.

Message from the Governor, by his Private Secretary.

EXECUTIVE OFFICE,

Austin, July 19, 1870.

To the Honorable Senate and

House of Representatives of Texas.

GENTLEMEN: I enclose you a copy of a communication from Hon. A. Bledsoe, Comptroller, in relation to the matter of assessment and collection of taxes. It will be apparent to you on reference to the new constitutional provisions concerning this matter, that until

action is had by the Legislature, the assessment and collection of taxes is practically suspended, and however prompt your action may be, it must be several months before receipts can be expected. The amount of cash in the Treasury is rapidly diminishing, and without even the customary receipts, the funds for the ordinary support of the State Government will soon be wanting.

I request an early consideration of this matter.

Respectfully,

EDMUND J. DAVIS,

Governor.

Message read and referred to Committee on Finance.

COMMITTEE ROOM,

Austin, July 19, 1870.

To Hon. DON CAMPBELL,

President of the Senate.

SIR: Your Committee on Finance have received and examined the memorial of the heirs of James Rogers, deceased, and respectfully return the same, with the request that they be referred to the Committee on Private Land Claims, the papers in question not being within the jurisdiction of this committee.

J. S. MILLS,

Chairman of Committee.

Rules suspended, report received and adopted.

COMMITTEE ROOM,

Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate:

SIR: Whereas it appears from the Register of Public Debt for the Republic of Texas, that Lynn Bobo is entitled to the sum of seven hundred dollars in gold, for services and losses on the Mier expedition. Your committee recommend the passage of the accompanying act, and append to this report the certificate of A. Bledsoe, Comptroller:

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,

STATE OF TEXAS,

AUSTIN, JULY 19, 1870.

This is to certify that it appears from the Register of Public Debt for the Republic of Texas, that there is due to Lynn Bobo the amount of six hundred and five dollars for services and losses in the Mier expedition, and the amount of twenty-two dollars for services as a minute man in 1841.

A. BLEDSOE, Comptroller.

J. S. MILLS, Chairman of Committee.

Laid over under rules.

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COMMITTEE ROOM,
July 18, 1870.

Hon. DON CAMPBELL,
President of the Senate :

Your Committee on Judiciary to whom was referred Senate Bill No. 141, entitled "An Act to incorporate Victoria Fire Company No. 1," Senate Bill No. 169, entitled "An Act to incorporate the Comal Cemetery Association," Senate Bill No. 186, entitled "An Act to incorporate the Citizens Bank of Navasota," and Senate Bill No. 221, entitled "An Act to incorporate the Saving and Trust Company of Texas," have had the same under careful consideration, and instruct me to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,
Chairman of Committee.

Laid over under rules.

On motion of Senator Mills rules suspended and Senate Bill No. 186, "An Act to incorporate the Citizens' Bank of Navasota," read second time; rules suspended, read third time and passed.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Priest, Pickett, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Excused from voting, Douglass; absent, Fountain.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,
President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 115, entitled "An Act to incorporate the Galveston Mutual Aid and Life Insurance Association," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

M. PRIEST,
Chairman of Committee.

Laid over under rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,
President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 133, entitled "An Act to amend articles 826, 827 and 828 of an act entitled 'An Act to adopt and establish a code of criminal

procedure for the State of Texas, approved August 26, 1856," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

Laid over under rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL

President of Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 196, entitled "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same," have carefully considered the same, and I am instructed to report it back with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Priest, rules suspended, report received and adopted; bill read second time and passed to engrossment.

Rules suspended, bill read third time and passed.

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor. Shannon--24.

Nays--Hertzberg, Rawson--2.

Absent--Senators Pickett, Parsons--2.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 139, entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," have had the same under careful consideration, and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,

Chairman of Committee.

Amend by striking out that portion of the preamble, in the sixteenth line, after the word "therefore" down to section first.

In section seven, line twenty-four, strike out the word "fifty" and insert the word "forty."

To section nine add the following words: "Provided nothing here-

in contained shall be construed as making valid any land grant to Buffalo Bayou Ship Channel Company."

In section eleven, line three, strike out the word "seventy" and insert "fifty."

On motion of Senator Priest rules suspended, report received and adopted.

On motion of Senator Flanagan the rules were suspended, bill read third time and passed as amended.

Yeas and nays on final passage were as follows :

Yeas—Messrs. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—28.

Nays—None.

COMMITTEE ROOM,
Austin, Texas, July 18, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 145, entitled "An Act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas," have carefully considered the same, and instruct me to report it back with accompanying amendment, and recommend its passage :

M. PRIEST,
Chairman of Committee.

Amend section one, line one, by striking out the word "ordained" and insert the word "enacted."

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 7, entitled "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

On motion of Senator Priest, rules suspended, report received and bill read second time.

On further motion, rules suspended, bill read third time and passed.

COMMITTEE ROOM,
July 18, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was referred House bill No. 167, entitled "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company," have had the same under careful consideration and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Pyle, rules suspended and report received.

On further motion, rules suspended to place the bill on third reading.

Pending reading, the hour was announced by the Chair for special order.

Special order:

The hour for special order, House bill No. 341, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintainance of a frontier telegraph; the organization of the reserve militia, and the organization, arming and equipment of the State Guard."

Bill read first time and, on motion of Senator Fountain, was referred to Committee on Judiciary.

Special order, 12 M., resolution of Senator Baker relative to adjournment of the Legislature.

Senator Pickett moved to lay the resolution on the table. Carried.

On motion of Senator Parsons the rules were suspended, House bill 405, "An Act to prescribe the time for the annual meeting of the Legislature."

Bill read first time, and, on motion of Senator Fountain, the rules were suspended and bill read second time.

Senator Bowers offered the following amendment:

Section one, amend by striking out the word "first", and insert the word "next."

Yeas—Bowers; Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Priest, Rawson, Ruby, Saylor—14.

Absent—Senator Pettit.

Amendment lost.

Senator Pickett offered the following amendment:

Amend section first line fifth, strike out the words "same day" and insert "second Tuesday in November."

[Senator Ruby in the Chair.]

Senator Parsons moved a call of the Senate. Call sustained.

Absent, Senator Broughton. Senator Broughton answered to his name. On motion call suspended.

The motion recurring on the amendment of Senator Pickett, yeas and nays were as follows:

Yeas—Broughton, Clark, Cole, Latimer, Pickett, Priest, Ruby, Shannon—8.

Nays—Mr. President, Baker, Bell, Bowers, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—20.

Amendment lost.

Senator Bowers moved to strike out in section one, line four, "1871" and insert "1870." Lost.

Senator Pickett moved the reference of the bill to the Judiciary Committee.

Yeas—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pridgen, Pyle, Shannon—12.

Nays—Messrs. President, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Motion to refer lost.

On motion of Senator Parsons the bill passed to its third reading.

Yeas—Messrs. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Petit, Priest, Rawson, Ruby, Saylor—15.

Nays—Messrs. Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

The President moved suspension of rules that the bill be read a third time and passed.

Yeas—Messrs. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Petit, Priest, Rawson, Ruby, Saylor—15.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—13.

So the Senate refused to suspend the rules, four-fifths not voting in the affirmative.

Senator Douglas called up the following:

Resolved, That until otherwise provided the Senate will hold evening sessions, convening at eight o'clock, P. M.,

And moved its adoption. Yeas and nays called for :

Yeas—Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Hall, Hertzberg, Pettit, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—15.

Nays—Mr. President, Baker, Bell, Bowers, Clark, Cole, Evans, Gaines, Latimer, Mills, Parsons, Pickett, Pridgen--13.

Adopted.

BILLS.

By Senator Priest: A bill to be entitled "An Act to organize courts of the justices of the peace and police courts, and to define their jurisdiction and duties."

Read first time, rules suspended and made special order for Monday next at twelve o'clock, M. One hundred copies ordered to be pointed.

By Senator Dohoney: A bill to be entitled "An Act to aid the construction of the Southern Trans-Continental Railroad."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Bowers, rules suspended and House bill 323, "An Act to incorporate the Bayou City Bank," was taken from file and referred to Committee on Judiciary.

On motion of Senator Parsons the Senate went into executive session.

IN SENATE.

On motion of Senator Fountain the Secretary was instructed to inform his Excellency the Governor, that the Senate had confirmed in executive session the following appointment: James Masterson, for Judge of the Nineteenth Judicial District, and refused to advise and consent to the appointment of E. P. Upton, for Judge of the Seventeenth Judicial District.

On motion of Senator Pyle the Senate adjourned to eight o'clock P. M.

SENATE CHAMBER,
AUSTIN, TEXAS, July 19, 1870.

EVENING SESSION.

EIGHT O'CLOCK P. M.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; no quorum present.

Senator Fountain moved a call of the Senate.

Call sustained.

Roll called; quorum present.

On motion of Senator Bell the call of the Senate was suspended.

Unfinished business :

Unfinished business being House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company." Third reading.

Senator Pickett moved it be made the special order for Friday at 11 o'clock. Carried.

Senator Dohoney moved suspension of rules to take up Senate bill No. 23, a bill to be entitled "An Act to carry into execution the judgment and decrees of the county courts, and to perfect the unfinished business thereof."

Report of committee read and substitute adopted.

Rules suspended and bill read second time and passed to engrossment, and, on further motion of Senator Dohoney, the rules were suspended, and bill read third time and passed.

Unfinished business :

Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works and the duties thereof."

Senator Hall moved its final passage.

Senator Flanagan moved a call of the Senate. Call sustained.

Absent—Latimer, Mills, Gaines—3.

Excused—Clark, Bowers—2.

Call suspended.

And on motion of Senator Priest Senate bill No. 255 was made the special order for to-morrow at 10½ A. M.

Senator Ruby moved suspension of rules to take up House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company and the subsequent laws in relation thereto," ap-

proved February 16, 1852, February 7, 1853, and February 8, 1858.

Rules suspended, bill read first time.

Rules suspended, bill read second time, and on motion of Senator Flanagan the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Excused, Bowers, Clark—2.

Absent—Gaines, Latimer, Mills, Cole, Evans—5.

Bill passed.

Senator Fountain offered the following resolution :

Resolved, That, at the night sessions of the Senate, no Senator shall speak longer than five minutes on any question before the Senate.

Adopted.

Senator Flanagan moved suspension of rules to take up Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Rules suspended and bill read second time, and passed to engrossment.

Senator Priest moved to amend by striking out sections ten and eleven. Carried.

Senator Douglas offered as substitute for section eleven : "This act to take effect and be in force from and after its passage."

Adopted.

Senator Flanagan moved suspension of rules to put the bill on its third reading.

Rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21

Nays—None.

Excused—Bowers, Clark.

Absent—Cole, Gaines, Hertzberg, Latimer, Mills—5.

Bill passed.

Senator Priest moved suspension of rules to take up Senate bill No. 200, a bill to be entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges."

Rules suspended and bill read second time and passed to engrossment.

Senator Priest moved to amend by striking "one-eighth" and inserting "one-fourth" in section six. Lost.

Senator Ruby moved to amend by striking out "one-eighth" and inserting "one-sixth." Lost.

Senator Dohoney moved the postponement of further consideration of the bill and that it be made a special order for half-past eight o'clock to-morrow night. Lost.

Senator Pickett moved the bill be read and adopted by sections. Carried.

Senator Cole moved to amend section one, line four, after the word "counties" insert "and a poll tax of fifty cents upon each adult male person in the county."

Senator Baker moved the amendment of Senator Cole be rejected. Lost.

Yeas and nays called for on the adoption of the amendment :

Yeas--Mr. President, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Shannon--10.

Nays--Baker, Bell, Ford, Fountain, Hall, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--11

Amendment lost.

Section one adopted.

By Senator Douglas: Amend section two, line two, after the word "hands" insert "at such price as may be fixed by the court." Adopted.

Amend section two, line three, after the word "public" add "and as the courts may determine." Adopted.

Section two as amended adopted.

Section three adopted without amendment.

Senator Dohoney moved to amend section four, line three, after the words "services rendered" the words "to be fixed by the county court." Adopted.

Senator Priest moved to fill the blank, section four, line three by inserting "five hundred." Adopted.

Section four as amended adopted.

Senator Pettit moved to amend section five, first line, strike out the word "working" and insert the word "work." Adopted.

Section five as amended adopted.

Section six, seven and eight adopted without amendments.

On motion of Senator Priest the bill passed to engrossment.

Senator Priest moved further suspension of rules; rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Dohoney, Flanagan, Ford, Gaines, Hall, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor—17.

Nays—Broughton, Cole, Douglass, Evans, Shannon—5.

Absent, Gaines, Hertzberg, Latimer, Mills—4.

Excused, Bowers, Clark.

Bill passed.

Senator Dohoney moved the Senate adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Evans, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle—9.

Nays—Baker, Bell, Cole, Dohoney, Douglass, Flanagan, Ford, Fountain, Hall, Rawson, Ruby, Saylor, Shannon—13.

Absent, Gaines, Hertzberg, Latimer, Mills—4.

Excused, Bowers, Clark.

The Senate refused to adjourn.

Senator Hall moved suspension of rules to take up House bill No. 293, "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands.

Rules suspended, bill read first time; rules suspended, bill read second time, and on motion of Senator Pickett the bill was referred to Committee on Judiciary.

Report of Committee on Engrossed Bills :

The Hon. DON. CAMPBELL,

President of Senate :

Your Committee on Engrossed Bills having examined and compared Senate Bill No. 65, "to incorporate Austin City Ice Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Senator Pyle moved to adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Dohoney, Evans, Pickett, Priest, Pyle—7.

Nays—Baker, Bell, Cole, Douglas, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—15.

Absent—Gaines, Hertzberg, Latimer, Mills—4.

Excused—Bowers, Clark—2.

The Senate refused to adjourn.

Senator Flanagan moved suspension of rules to take up House bill No. 183, "An Act legalizing a special tax levied by military order."

Rules suspended, bill read first time; rules suspended, bill read

second time, and on further motion of Senator Flanagan, the rules were suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Broughton, Cole, Dohoney, Douglass, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Bell.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark, Pickett—3.

Bill passed.

Senator Broughton moved the Senate adjourn.

Yeas and nays taken :

Yeas—Mr. President, Broughton, Dohoney, Douglass, Pyle, Shannon—6.

Nays—Baker, Bell, Cole, Evans, Flanagan, Ford, Fountain, Hall, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor—14.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark, Pickett—3.

Motion to adjourn lost.

Senator Cole moved a call of the Senate. Call sustained.

Roll called.

Absent—Gaines, Hertzberg, Latimer, Mills, Parsons—5.

Excused—Bowers, Clark—2.

Call of the Senate suspended.

On motion of Senator Shannon the rules were suspended to take up Senate bill No. 202, "An Act authorizing the Commissioner of the General Land Office to issue patents on certain settler's claims."

Read second time; rules suspended, read third time and passed.

Senator Pettit moved suspension of rules to take up Senate bill No. 26, "An Act to incorporate the Texas Military Institute."

Rules suspended and bill read third time.

Yeas and nays taken :

Yeas—Mr. President, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Priest, Pridgen, Pyle, Ruby, Saylor, Shannon—19.

Nays—Bell, Rawson—2.

Absent—Gaines, Hertzberg, Latimer, Mills, Pickett—5.

Excused—Bowers, Clark—2.

Bill passed.

Senator Dohoney moved suspension of rules to take up Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy."

Rules suspended and bill read second time and passed to engross-

ment ; and on further motion the rules were suspended and bill read third time and passed.

Senator Saylor moved suspension of rules to take up House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Rules suspended, bill read first time, and on motion of Senator Dohoney, the bill was made the special order for Friday at 8½ o'clock P. M.

Senator Pyle moved to adjourn.

Yeas and nays taken :

Yeas---Mr. President, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson---13.

Nays---Baker, Bell, Broughton, Evans, Ford, Ruby, Shannon---7.

Absent---Hertzberg, Latimer, Mills, Pickett --4.

Excused---Bowers, Clark--2.

Senate adjourned.
